

MAY 02 2006

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ALSTON & BIRD LLP

3201 Beechleaf Court, Suite 600
Raleigh, NC 27604-1062
919-862-2200
Fax: 919-862-2260

TELECOPY**PLEASE DELIVER AS SOON AS POSSIBLE****Date:**

May 2, 2006

Recipient:

Examiner Douglas N. Washburn

Company:

USPTO

Fax Number:

1-571-273-8300

Voice Number:

1-571-272-2284

Sender:

Kevin R. Lyn

Message:

Appl. No.: 10/817,169

Confirmation No.: 2727

Applicant(s): *Bienvenu et al.*

Filed: April 2, 2004

Art Unit: 2863

Examiner: Washburn, Douglas N.

Title: PAVING-RELATED MEASURING DEVICE INCORPORATING A
COMPUTER DEVICE AND COMMUNICATION ELEMENT
THEREBETWEEN AND ASSOCIATED METHOD

Docket No.: 031850/272210

Customer No.: 00826

Please see the attached Amendment, Petition, and Fee to Correct and/or Add to Originally Named Inventor(s) (2 pages), Declaration and Power of Attorney (2 pages), Assent of Assignee to Correction and/or Addition to Originally Named Inventor(s), Assignment (3 pages), and Statement of Lack of Deceptive Intent (1 page) in reference to the above-identified patent application.

Number of Pages: (including cover page)

10

IF NOT RECEIVED PROPERLY, PLEASE NOTIFY US IMMEDIATELY AT 919-862-2221.

USER CODE:	LYNKE	REQUESTED BY:	Kevin Lyn
CLIENT/MATTER:	031850/272210	OPERATOR:	

RTA01/2195685v1

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Attorney Docket No. 031850/272210

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

**PAVING-RELATED MEASURING DEVICE INCORPORATING A COMPUTER DEVICE
AND COMMUNICATION ELEMENT THEREBETWEEN AND ASSOCIATED METHOD,**

the specification of which

☐ is attached hereto

OR

☒ was filed on 4/2/2004 as United States Application No. 10/817,169.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				Yes	No
none			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

RTA01/2157530v1

POWER OF ATTORNEY: As a named inventor, I hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to that Customer Number:

Customer Number 00826

Direct telephone calls to:

Kevin R. Lyn
Registration No. 42,818
Tel Raleigh Office (919) 862-2200
Fax Raleigh Office (919) 862-2260

Full name of first inventor: Michael E. Bienvenu

Inventor's

Signature: Michael E. Bienvenu Date: 03-22-2006
Residence: Cary, North Carolina Miami Beach, Florida

Citizenship: United States of America

Mailing Address: 103 Stoneligh Drive, Cary, North Carolina 27511
P.O. Box 403344, Miami Beach, FL 33140

Full name of second inventor: John Pjura

Inventor's

Signature: John Pjura Date: 4-12-2006

Residence: Durham, North Carolina

Citizenship: United States of America

Mailing Address: 4012 Tyne Drive; Durham, North Carolina 27703

Full name of third inventor: Robert Ernest Troxler

Inventor's

Signature: Robert Ernest Troxler Date: 4-7-06

Residence: Raleigh, North Carolina

Citizenship: United States of America

Mailing Address: 1609 Canterbury Road; Raleigh, North Carolina 27608

Attorney's Docket No. 031850/272210

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Bienvenu *et al.* Confirmation No.: 2727
Appl. No.: 10/817,169 Group No.: 2863
Filed: April 2, 2004 Examiner: Washburn, Douglas N.
For: PAVING-RELATED MEASURING DEVICE INCORPORATING A COMPUTER
DEVICE AND COMMUNICATION ELEMENT THEREBETWEEN AND
ASSOCIATED METHOD

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ASSENT OF ASSIGNEE TO CORRECTION AND/OR
ADDITION TO ORIGINALLY NAMED INVENTOR(S)
37 CFR § 1.48(c)(5)

Troxler Electronic Laboratories, Inc.
(name of assignee)

3008 Cornwallis Road, Research Triangle Park, North Carolina 27709
(Address)

Assignment



recorded on August 13, 2004 at Reel 015064, Frame 0057
a copy of the assignment that was sent for recording on August 13, 2004 is
enclosed herewith.

Assignee hereby assents to the correction of inventorship filed herewith.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of
the assignee.

TROXLER ELECTRONIC LABORATORIES, INC.

Name: William F. Troxler, Jr.
Title: President
Date: March 14, 2006

05/04/2006 AWONDAF1 00000012 160605 10817169

01 FC:1464 130.00 DA

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ASSIGNMENT - WORLDWIDE

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, each undersigned inventor has sold and assigned, and by these presents hereby sells and assigns, unto

Troxler Electronic Laboratories, Inc.
3008 Cornwallis Road
Research Triangle Park, North Carolina 27709

its successors and assigns, the entire right, title and interest, so far as concerns the United States and the Territories and Possessions thereof and all foreign countries in and to the invention in **"PAVING-RELATED MEASURING DEVICE INCORPORATING A COMPUTER DEVICE AND COMMUNICATION ELEMENT THEREBETWEEN AND ASSOCIATED METHOD"**

as set forth in this United States Patent Application

- ☐ executed concurrently herewith
☐ executed on
☒ Application No. 10/817,169; filed April 2, 2004
☒ Application claims priority from Application No. 10/269,843, filed October 11, 2002, all applications listed above being hereinafter referred to as the "application(s)";

said application for United States Letters Patent, including all divisional, renewal, substitute, continuation, nonprovisionals, continuation-in-parts, and Convention applications based in whole or in part upon said inventions or upon said applications, and any and all Letters Patent and reissues, reexaminations, and extensions of Letters Patent granted for said inventions or upon said applications and every priority right that is or may be predicated upon or arise from said inventions, said applications, and said Letters Patent; said Assignee being hereby authorized to file patent applications in any or all countries on any or all said inventions in the name of the undersigned or in the name of said Assignee or otherwise as said Assignee may deem advisable, under the International Convention or otherwise; the Commissioner of Patents and Trademarks of the United States of America being hereby authorized to issue or transfer all said Letters Patent to said Assignee in accordance herewith; this assignment being under covenant, not only that full power to make the same is had by the undersigned, but also that such assigned right is not encumbered by any grant, license, or other right theretofore given, and that the undersigned will do all acts reasonably serving to ensure that the said inventions, patent applications and Letters Patent shall be held and enjoyed by said Assignee as fully and entirely as the same could have been held and enjoyed by the undersigned if this assignment had not been made, and particularly to execute and deliver to said Assignee all lawful documents including petitions, specifications, oaths, assignments, invention disclaimers, declarations, and lawful affidavits in form and substance which may be requested by said Assignee, to furnish said Assignee with all facts relating to said inventions or the history thereof and any and all documents, photographs,

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models, samples or other physical exhibits which may embody said inventions, and to testify in any proceedings relating to said inventions, patent applications, and/or Letters Patent.

The undersigned hereby grant(s) an authorized representative of Assignee the power to insert in this Assignment any further identification that may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

06/30/04
Date

Michael Bienvenu
Michael Bienvenu

State of NORTH CAROLINA)

County of DURHAM)

I, LISA V. OSTERHAUS, a Notary Public for said County and State, do hereby certify that Michael Bienvenu personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

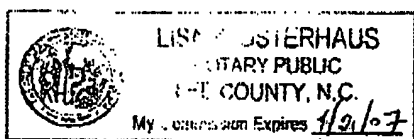
Witness my hand and official seal, this the 30th day of June, 2004.

(Official Seal)

My commission expires

April 30, 2007

Lisa V. Osterhaus
Notary Public



Date 6-30-04

John Pjura
John Pjura

State of NORTH CAROLINA

County of DURHAM

I, LISA Y. OSTERHAUS, a Notary Public for said County and State, do hereby certify that John Pjura personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

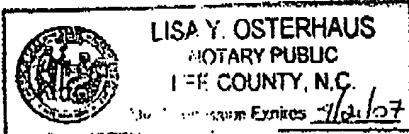
Witness my hand and official seal, this the 30th day of June, 2004.

(Official Seal)

My commission expires Dec. 21, 2007

Lisa Y. Osterhaus
Notary Public

Attorney Docket No. 031850/272210



Attorney's Docket No. 031850/272210

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Bienvenu *et al.* Confirmation No.: 2727
Appl. No.: 10/817,169 Group No.: 2863
Filed: April 2, 2004 Examiner: Washburn, Douglas N.
For: PAVING-RELATED MEASURING DEVICE INCORPORATING A COMPUTER
DEVICE AND COMMUNICATION ELEMENT THEREBETWEEN AND
ASSOCIATED METHOD

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF LACK OF DECEPTIVE INTENT UNDER 37 CFR 1.48(a)

I, Robert Ernest Troxler, declare that:

1. I am an inventor of the invention disclosed in the above-identified patent application.
2. Due to an error, my name was not included as an inventor when the application was filed.
3. Error in the exclusion of my name on the above-identified patent application was made without any deceptive intent on my part.

Signature: _____

Robert Ernest Troxler

Date: _____

3-15-06

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Attorney's Docket No. 031850/272210

PATENT

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ASSOCIATED METHOD

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Amendment, Petition, and Fee to Correct
and/or Add to Originally Named Inventor(s)
(37 C.F.R. § 1.48(a) and/or (c))

1. This amendment and petition is to:
 - ☐ correct the incorrect original naming of inventor(s) under 37 C.F.R. § 1.48(a) and/or
 - ☒ add inventor(s) for subject matter disclosed in the application, but previously unclaimed under 37 C.F.R. § 1.48(c).
2. Addition and/or Deletion of Inventor(s)
 - ☒ Add the following previously unnamed person(s) as inventor(s) of this application:
Robert Ernest Troxler, 1609 Canterbury Road; Raleigh, North Carolina 27608
 - ☐ Delete the following previously incorrectly named inventor(s):
3. Attachments
 - (a) a statement of inventorship by the added or deleted inventor(s) that the error in inventorship was made without deceptive intention on the part of the added or deleted inventor(s).
 - (b) a new declaration of all inventors as required by 37 C.F.R. § 1.63.
 - (c) written assent of the assignee (if applicable).

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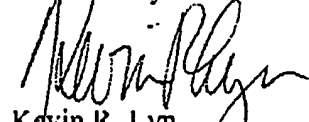
In re: Bienvenu et al.
Appl. No.: 10/817,169
Filed: April 2, 2004
Page 2

4. Fee (37 C.F.R. § 1.17(i))

The fee required is paid as follows:

- ☐ Enclosed is a check for \$130.00.
☒ **Charge the Petition Fee to Deposit Account No. 16-0605**
☒ Charge Deposit Account No. 16-0605 for any fee deficiency.

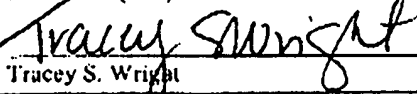
Respectfully submitted,


Kevin R. Lyn
Registration No. 42,818

CUSTOMER NO. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Raleigh Office (919) 862-2200
Fax Raleigh Office (919) 862-2260

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office
at Fax No. (571) 273-8300 on the date shown below.


Tracey S. Wright

5/2/2006
Date

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